IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 15574 of 2007(D)

PETITIONER:

1. M.P.RAPPAI,
   MECHERIL HOUSE, PUDUKKAD DESOM,
   THRISSUR DISTRICT.

2. V.M.VALSAN,
   S/O.VADAKEDATH MADHAVAN,
   PANTHALLOOR DESOM, NELLAYI, THRISSUR DISTRICT.

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SMT.PREEJA. P.VIJAYAN

RESPONDENTS:

1. THE GEOLOGIST, THRISSUR.

2. THE REVENUE DIVISIONAL OFFICER,
   THRISSUR.

3. M.B.RAJU, MUPPATTIL HOUSE,
   KUZHIKKATTU KONAM, THRISSUR.

4. DISTRICT COLLECTOR,
   THRISSUR.

BY G.P. SHRI.BENJAMNIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.15574 of 2007

==========

Dated this the 8th day of August, 2007

J U D G M E N T

The petitioners sought restoration of their mining permit. Ext.P18 is the application in this regard. The complaint of the petitioners is that the same is not being considered in view of Ext.P17 order, whereby the District Collector has prohibited all sorts of mining of sand, clay, soil and unauthorized quarrying of granite from the villages mentioned therein, which includes the village in which the petitioners' property situates also. The contention of the petitioners is that the District Collector has no power under any law to issue such sweeping orders. I had earlier considered similar question in Ext.P10 judgment, wherein I had directed consideration of similar application notwithstanding the ban order issued by the District Collector. In the above circumstances, there would be a direction to the 1st respondent to consider Ext.P18 application submitted by the petitioners,

notwithstanding Ext.P17 order. However, this would be subject to the condition that the District Collector and officers under him can, if necessary, conduct inspection of the premises of the petitioners as well as the vehicle in which sand is transported pursuant to permits to be issued to see as to whether they are conducting any mining of river sand on the basis of permits issued to them and to take appropriate steps as warranted by law if violations are detected.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.